

SENATE BILL NO. 365

INTRODUCED BY J. BRUEGGEMAN

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE ACREAGE FEE CURRENTLY CHARGED TO OWNERS OF UNDEVELOPED LAND IN A FIRE SERVICE AREA; ELIMINATING THE EXEMPTION FOR A FEE ASSESSMENT ON UNDEVELOPED LAND FOR WHICH THE OWNER PAYS A FEE OR TAX TO ANOTHER PUBLIC AGENCY FOR WILDLAND FIRE PREVENTION AND SUPPRESSION; AMENDING SECTION 7-33-2404, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-33-2404, MCA, is amended to read:

"7-33-2404. Financing of fire service area -- fee on structures -- fee on undeveloped land. (1) In the resolution creating the fire service area and by resolution as necessary after creation of the fire service area, the board of county commissioners shall establish a schedule of rates to be charged to owners of structures and owners of undeveloped land that are benefited by the services offered by the fire service area.

(2) (a) The rates for structures must be applied on a fair and equal basis to all classes of structures benefited by the fire service area. The fee charged to owners of structures is intended to be primarily used for structural fire prevention and suppression.

(b) The rates for undeveloped land must be applied on a fair and equal basis to all classes of undeveloped land benefited by the fire service area. Undeveloped land does not include land located under structures subject to a fee under subsection (2)(a). The excluded land may not exceed 1 acre. The fee charged to owners of undeveloped land is intended to be primarily used for wildland fire prevention and suppression. The fee may not exceed \$20 for each landowner in the fire service area and not more than an additional 15 cents an acre annually for each acre in excess of 40 acres owned by each landowner in the fire service area, up to a maximum of \$250 for undeveloped land under single ownership. ~~The fee may not be assessed on undeveloped land for which the owner pays a fee or tax to another public agency for wildland fire prevention and suppression.~~

(3) The board of county commissioners shall collect the funds necessary to operate the fire service area by charging the area rate as a special assessment on the owners of structures and undeveloped land and shall collect the assessments with the general taxes of the county. The assessments are a lien on the assessed

1 property.

2 (4) The board of county commissioners or the trustees, if the fire service area is governed by trustees
3 under 7-33-2403, may pledge the income of the fire service area to secure financing necessary to procure
4 equipment and buildings to house the equipment. The outstanding amount of the indebtedness may not exceed
5 1.1% of the total assessed value of taxable property, determined as provided in 15-8-111, within the area, as
6 ascertained by the last assessment for state and county taxes prior to the incurring of the indebtedness.

7 (5) If a fire service area is reduced or eliminated by annexation of all or a portion of the fire service area
8 into a municipality, then the county commissioners or trustees of the fire service area shall notify the annexing
9 municipality in order to prevent the property owners of the area to be annexed from assuming financial
10 responsibility to both the municipality and the fire service area."

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12 NEW SECTION. **Section 2. Effective date.** [This act] is effective July 1, 2009.

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